

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

---

GUARDIAN INDUSTRIES CORP.,

Plaintiff,

v.

DELL, INC.; GATEWAY, INC.; ACER INC.; ACER AMERICA  
CORPORATION; AOC INTERNATIONAL; AOC  
INTERNATIONAL (USA) LTD.; AU OPTRONICS  
CORPORATION; AU OPTRONICS CORPORATION  
AMERICA a/k/a AU OPTRONICS AMERICA, INC.; BENQ  
CORPORATION; BENQ AMERICA CORPORATION;  
CHUNGHWA PICTURE TUBES, LTD. a/k/a CHUNGHWA  
PICTURE TUBES COMPANY; TATUNG COMPANY;  
TATUNG COMPANY OF AMERICA, INC.; COMPAL  
ELECTRONICS, INC.; DELTA ELECTRONICS, INC.; DELTA  
PRODUCTS CORPORATION; JEAN CO., LTD.; LITE-ON  
TECHNOLOGY CORPORATION; LITE-ON, INC. a/k/a  
LITEON TRADING USA, INC.; PROVIEW INTERNATIONAL  
HOLDINGS, LTD.; PROVIEW TECHNOLOGY, INC.; and  
QUANTA DISPLAY, INC.

Defendants.

---

C.A. No.: 05-0027 SLR

Jury Trial Demanded

**AFFIDAVIT PURSUANT TO D. DEL. LR 4.1 (b)**

STATE OF DELAWARE

:

: SS:

COUNTY OF NEW CASTLE

:

**BE IT REMEMBERED** that on this 3<sup>rd</sup> day of March, A.D. 2005, personally came  
before me, the Subscriber, a Notary Public for the State and County aforesaid, Richard K. Herrmann,  
attorney for the Plaintiff, who being sworn according to law did depose and say as follows:

**DEFENDANT AU OPTRONICS CORPORATION AMERICA  
a/k/a AU OPTRONICS AMERICA, INC.**

1. That to the best of his knowledge, the Defendant AU Optronics Corporation America a/k/a AU Optronics America, Inc. is a nonresident of the State of Delaware whose name and address is as follows:

AU Optronics Corporation America  
a/k/a AU Optronics America, Inc.  
1800 Wyatt Drive, Suite 7  
Santa Clara, CA 95054

2. That on January 19, 2005, the Complaint in the above-captioned action was filed; that on that same day the Clerk issued a Summons to serve the Secretary of State pursuant to 10 Del. C. § 3104.

3. That on January 25, 2005, the Return of Service was filed, a copy of which is attached as Exhibit A.

4. That on February 3, 2005, the said Richard K. Herrmann, Esquire, caused a copy of the Notice, attached hereto as Exhibit B, to be mailed by Registered Mail to the following defendant: AU Optronics Corporation America a/k/a AU Optronics America, Inc.

5. That on February 21, 2005, he, Richard K. Herrmann, Esquire, received from the postal authority the domestic return receipt signed by the following: C. Dugger. The said receipt is attached hereto as Exhibit C.

6. That the said receipt has the same registered number, to-wit: RB 420 560 084 US, as the receipt received at the time of the mailing of said notice, attached hereto as Exhibit D.

**DEFENDANT JEAN CO., LTD.**

7. That to the best of his knowledge, the Defendant Jean Co., Ltd. is a nonresident of the State of Delaware whose name and address is as follows:

Jean Co., Ltd.  
7F, 2, Rui-Guang Rd.  
Nei-Hu, Taipei  
Taiwan, R.O.C.

8. That on January 19, 2005, the Complaint in the above-captioned action was filed; that on that same day the Clerk issued a Summons to serve the Secretary of State pursuant to 10 Del. C. § 3104.

9. That on January 25, 2005, the Return of Service was filed, a copy of which is attached as Exhibit E.

10. That on February 3, 2005, the said Richard K. Herrmann, Esquire, caused a copy of the Notice, attached hereto as Exhibit F, to be mailed by Registered Mail to the following defendant: Jean Co., Ltd.

11. That on February 25, 2005, he, Richard K. Herrmann, Esquire, received from the postal authority the international return receipt attached hereto as Exhibit G.

12. That the said receipt has the same registered number, to-wit: RB 420 560 257 US, as the receipt received at the time of the mailing of said notice, attached hereto as Exhibit H.

**DEFENDANT QUANTA DISPLAY, INC.**

13. That to the best of his knowledge, the Defendant Quanta Display, Inc. is a nonresident of the State of Delaware whose name and address is as follows:

Quanta Display, Inc.  
No. 189, Hwa Ya 2 Road  
Kuei Shan Hsing  
Tao Yuan Shien  
Taiwan, R.O.C.

14. That on January 19, 2005, the Complaint in the above-captioned action was filed; that on that same day the Clerk issued a Summons to serve the Secretary of State pursuant to 10 Del. C. § 3104.

15. That on January 25, 2005, the Return of Service was filed, a copy of which is attached as Exhibit I.

16. That on February 3, 2005, the said Richard K. Herrmann, Esquire, caused a copy of the Notice, attached hereto as Exhibit J, to be mailed by Registered Mail to the following defendant: Quanta Display, Inc.

17. That on March 1, 2005, he, Richard K. Herrmann, Esquire, received from the postal authority the international return receipt attached hereto as Exhibit K.

18. That the said receipt has the same registered number, to-wit: RB 420 560 230 US, as the receipt received at the time of the mailing of said notice, attached hereto as Exhibit L.

Dated: March 3, 2005

/s/ Richard K. Herrmann  
Richard K. Herrmann #405  
MORRIS, JAMES, HITCHENS & WILLIAMS LLP  
222 Delaware Avenue, 10<sup>th</sup> Floor  
Wilmington, Delaware 19801  
(302) 888-6800  
[rherrmann@morrisjames.com](mailto:rherrmann@morrisjames.com)

Attorneys for Plaintiff  
GUARDIAN INDUSTRIES CORP.

SWORN TO AND SUBSCRIBED before me the day and year aforesaid:

/s/ Loretta M. Lawrence  
Notary Public

**CERTIFICATE OF SERVICE**

I hereby certify that on the 3<sup>rd</sup> day of March, 2005, I electronically filed the foregoing document, **AFFIDAVIT PURSUANT TO D.DEL. LR 4.1 (b)**, with the Clerk of the Court using CM/ECF which will send notification of such filing to the following:

Richard L. Horwitz, Esq.  
David E. Moore, Esq.  
Potter Anderson & Corroon  
Hercules Plaza, 6<sup>th</sup> Floor  
1313 N. Market Street  
Wilmington, DE 19801

Jeffrey S. Goddess, Esq.  
Rosenthal Monhait Gross & Goddess, P.A.  
919 Market Street, Suite 1401  
Wilmington, DE 19801

Gerard M. O'Rourke, Esq.  
Connolly Bove Lodge & Hutz LLP  
1007 North Orange Street, P.O. Box 2207  
Wilmington, Delaware 19899-2207

/s/ Richard K. Herrmann  
Richard K. Herrmann (#405)  
MORRIS, JAMES, HITCHENS & WILLIAMS LLP  
222 Delaware Avenue, 10<sup>th</sup> Floor  
Wilmington, Delaware 19801  
302.888.6800  
[rherrmann@morrisjames.com](mailto:rherrmann@morrisjames.com)

Attorneys for Plaintiff  
GUARDIAN INDUSTRIES CORP.